

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

**CSX TRANSPORTATION, INC.'S
MOTION TO FILE DOCUMENTS UNDER SEAL**

COMES NOW Plaintiff CSX Transportation, Inc. ("CSXT"), by counsel, and respectfully submits this Motion to Seal portions of its unredacted Opposition to the Joint Motion to Compel Depositions filed by Defendants Norfolk & Portsmouth Beltline Railroad Company's ("NPBL") and Norfolk Southern Railway Company ("NS"), together with Exhibits E, H, J, and L thereto, because they contain and/or reference information that CSXT or NS have indicated is "Confidential" or "Confidential – Attorneys Eyes Only" under the Stipulated Protective Order entered in this matter. ECF No. 79 ¶ 16.¹ In support of this Motion, CSXT submits contemporaneously a non-confidential Memorandum in Support of Motion to File Documents Under Seal. CSXT has also filed herewith a Notice of Filing a Motion to Seal, as required by Local Civil Rule 5(C). CSXT waives oral argument on this motion. A proposed order granting

¹ CSXT's Opposition discusses and characterizes the substance of accompanying Exhibits E, H, J, and L, as well as exhibits to the Joint Motion to Compel Depositions and Memorandum in Support (*see* ECF Nos. 267, 268), which have been ordered sealed. *See* ECF Nos. 269, 273.

the requested relief is attached as Exhibit 1.

For the foregoing reasons, CSXT respectfully requests that the Court grant its Motion to Seal and enter the attached proposed Order providing for the sealing of these documents.

Dated: February 4, 2021

Respectfully submitted,

CSX TRANSPORTATION, INC.

By Counsel

/s/ Robert W. McFarland

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CERTIFICATE OF SERVICE

I certify that on this 4th day of February, 2021, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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